

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION of OIL, GAS and MINING  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5291

\* \* \* \* \*

APPLICATION FOR TRANSFER  
OF  
NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS

Application is hereby made to transfer the permit to commence large mining operations for the  
TME Asphalt Ridge, LLC \_\_\_\_\_ project, permit # M/0470/089, currently  
operated by TME Asphalt Ridge, LLC \_\_\_\_\_ (transferor)  
to TMC Capital, LLC \_\_\_\_\_ (transferee).

As used herein, TRANSFEROR refers to the current operator; TRANSFEE refers to the  
proposed new operator; NOI refers to the Notice of Intention to Commence Large Mining  
Operations; PERMIT refers to the approved (or accepted) NOI, including the reclamation  
contract and reclamation surety.

Upon approval of the Application for Transfer:

1. The Transferor agrees to transfer all rights and obligations to operate under the terms of the NOI to the Transferee, The Transferor will not retain any rights to conduct mining operations within the area covered by the approved NOI.
2. Both parties understand the transfer of the ***NOI is not complete until all the applicable requirements are met***, including the submittal and Division approval of an appropriate reclamation surety and a reclamation contract.
3. The transferee has read and has a copy of the current NOI.
4. The Transferee has inspected the site and is fully aware of all existing conditions and responsible for compliance with the conditions of the permit and the obligations regardless of the nature of the conditions at the site.
5. Transferee shall conduct large mining operations on lands included in the NOI in accordance with the Utah Mined Land Reclamation Act, (ACT) Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended), and the rules promulgated under the ACT (R647- et seq., and the approved NOI.
6. The Transferee shall provide a surety in a form and amount approved by the Division to assure reclamation of the lands affected by the mining operations.

The **Transferor** will remain liable for compliance at the mine site until this transfer application is approved.

M0470089  
Task ID# 6173  
cc: April

RECEIVED

AUG 07 2014

DIV. OF OIL, GAS & MINING



The signatory below represents that he/she has authority to execute this transfer on behalf of the Transferor, if not a natural person. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFEROR:

TME Asphalt Ridge, LLC

Operator/Transferor Name

By MICHAEL SCHIFF

Name of Authorized Officer (Typed or Printed)

VICE PRESIDENT & CHAIRMAN of the Board of Directors

Title of Authorized Officer

Michael Schiff

Officer's Signature

7-25-2014

Date

STATE OF Texas

COUNTY OF Fort Bend ) ss: )

On the 25<sup>th</sup> day of July, 20 14, Michael Schiff personally appeared before me, who being by me duly sworn did say that he/she is an VP & Chairman (owner, officer, director, partner, agent or other (specify)) of the Operator Temple Mountain Energy Asphalt Ridge LLC and duly acknowledged that said instrument was signed on behalf of said Operator by authority of its bylaws, a resolution of its board of directors, or as may otherwise be required to execute the same with full authority and to be bound hereby.

Amanda Castaneda

Notary Public

Comerica Bank, Fort Bend

Residing at

4-4-16

My Commission Expires:





The signatory below represents that he/she has authority to execute this transfer on behalf of the Operator/Transferee, if not a natural person; and the operator/transferee is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFEE:

TMC Capital, LLC

Operator/Transferee Name

By Boris Treyzon

Name of Authorized Officer (Typed or Printed)

Manager

Title of Authorized Officer

Officer's Signature

Date

STATE OF California )

COUNTY OF Los Angeles ) ss:

On the 24 day of July, 2014, Boris Treyzon personally appeared before me, who being by me duly sworn did say that he/she is an Manager (owner, officer, director, partner, agent or other (specify)) of the Operator TMC Capital, LLC and duly acknowledged that said instrument was signed on behalf of said Operator by authority of its bylaws, a resolution of its board of directors, or as may otherwise be required to execute the same with full authority and to be bound hereby.

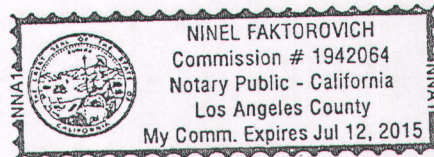
Notary Public

Los Angeles, California

Residing at

July 12, 2015

My Commission Expires:





STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
Telephone: (801) 538-5291 Fax: (801) 359-3940

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DIV. OF OIL, GAS & MINING

NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program (R647). The rules and Act are available online at <http://www.rules.utah.gov/publicat/code/r647/r647.htm> and [http://le.utah.gov/~code/TITLE40/40\\_08.htm](http://le.utah.gov/~code/TITLE40/40_08.htm).

"Large Mining Operations" are operations which have a disturbed area of more than ten surface acres at any time in unincorporated areas, or more than five acres in incorporated areas.

\*\*\*\*\*

I. **GENERAL INFORMATION** (Rule R647-3-104)

1. **Name of Mine:** TME Asphalt Ridge, LLC

2.A. **Name of Entity Applying for a Permit:** TMC Capital, LLC

Contact (Authorized Officer): Boris Treyzon / Vladimie Podlipskiy

Mailing Address: 9701 Wilshire Blvd. Suite 1000

City, State, Zip: Beverly Hills, CA 90212

Phone: 310-407-7888 / 323-356-4768 Fax: 888-201-8676

E-mail Address: consvp@gmail.com

Entity is a: ☐ Corporation ☒ LLC ☐ Sole Proprietorship (dba) ☐ Individual  
☐ Partnership (☐ General or ☐ limited) ☐ Other (specify type) \_\_\_\_\_

**Business Entity (not individuals) must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC)** If not currently registered, contact [www.commerce.utah.gov](http://www.commerce.utah.gov) to renew or apply.

2.B. Are you currently registered to do business in the State of Utah? ☒ Yes ☐ No

Business Entity #: 8495484-0160

Local Business License #: N/A (if required)

Issued by: County: \_\_\_\_\_ or City: \_\_\_\_\_

Registered Utah Agent (as identified with the Utah DOC) (if individual leave blank):

Name: Quick Data Services, Incorporated Title: \_\_\_\_\_

Address: 2005 East 2700 South Ste 200

City, State, Zip: Salt Lake City, UT 84109

Phone: N/A Fax: \_\_\_\_\_

E-mail Address: N/A



**2.C. Entity's Representative(s) (if different from #2A) authorized and designated to receive notices of violation, cessation orders, and all other notices to be given to the permittee or operator by the Division.**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Emergency, Weekend, or Holiday Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Emergency, Weekend, or Holiday Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**3a.. If Business is a Sole Proprietor (dba) or Individual:**

Name of Owner: \_\_\_\_\_ Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**3b. If Business is a Corporation:**

Name of Officers: \_\_\_\_\_ Title: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Headquarters Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**3c. If Business is a Limited Liability Company:** ☐ Member Managed ☒ Manager Managed

Name of 1<sup>st</sup> Member/Manager: Boris Treyzon Title: \_\_\_\_\_  
Business Address: 9701 Wilshire Blvd., Suite 1000  
City, State, Zip: Beverly Hills, CA 90212  
Phone: 310-407-7888 Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Name of 2<sup>nd</sup> Member/Manager: \_\_\_\_\_ Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**3d. If Business is a Partnership:**

Names of First Partner: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Names of Second Partner: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_



## CERTIFICATION

This certification must be signed by:

- (1.) an executive officer if the applicant is a corporation;
- (2.) a partner if applicant is a partnership (general or limited);
- (3.) the owner if applicant is a sole proprietorship;
- (4.) a member or manager if applicant is a limited liability company; or
- (5) the individual if the applicant is filing as an individual:

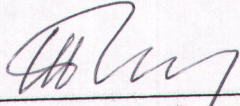
I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. the (transferor), has provided a copy of the approved mining and reclamation plan. I will follow the approved mining and reclamation plan until such time that I provide the Division with an amended Notice of Intention (plan) and receive approval of the amended Notice;

AND

- b. I commit to the reclamation of the aforementioned large mining operation as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature: \_\_\_\_\_

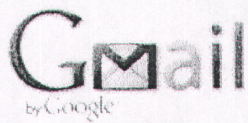


Date: 8/04/2014

Name (typed or printed): Boris Treyzon

Title/Position (if applicable): Manager





James Ginty &lt;jpginty5000@gmail.com&gt;

**Utah**

3 messages

RECEIVED

consvp@gmail.com &lt;consvp@gmail.com&gt;

AUG 07 2014

Tue, Aug 5, 2014 at 10:24 AM

Reply-To: consvp@gmail.com

To: jpginty5000@gmail.com

DIV. OF OIL, GAS &amp; MINING



204371455-174522377.pdf

145K

James Ginty &lt;jpginty5000@gmail.com&gt;

Tue, Aug 5, 2014 at 10:30 AM

To: aprilabate@utah.gov

Please see the Attached Forms.  
Let me know if you need anything else.  
Jim

----- Forwarded message -----

From: &lt;consvp@gmail.com&gt;

Date: Tue, Aug 5, 2014 at 10:24 AM

Subject: Utah

To: jpginty5000@gmail.com



204371455-174522377.pdf

145K

April Abate &lt;aprilabate@utah.gov&gt;

Tue, Aug 5, 2014 at 12:01 PM

To: James Ginty &lt;jpginty5000@gmail.com&gt;

Cc: Penny Berry &lt;pennyberry@utah.gov&gt;

Jim,

The transfer application is now on the correct form and the information looks okay to send.

Penny, FYI the TME transfer application is will arriving in the mail within the next few days. Please keep this under task # 6173.

April

[Quoted text hidden]

--

April A. Abate

Environmental Scientist III

Utah Division of Oil, Gas, &amp; Mining

O: 801-538-5214

M: 801-232-1339